

### REMARKS

Claims 1-13 are pending in this application. Claims 1, 6, and 12 are independent. In light of the amendments and remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicants have amended the claims to more appropriately recite the claimed invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejections, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 1-13 under 35 U.S.C. §103(a) as being unpatentable over Sogabe (USP 7,176,964) in view of Umeyama (U.S. Patent Application Publication No. 2002/0057473). Applicants respectfully traverse this rejection.

#### **Rejection under 35 U.S.C. §103**

In support of her rejection of claim 1, the Examiner asserts that Sogabe discloses all of the claim elements, except the apparatus being a mobile telephone. The Examiner relies on the teachings of Umeyama to cure the deficiencies of the teachings of Sogabe. Applicants respectfully disagree that the teachings of the cited references are sufficient to render the pending claims unpatentable.

Claim 1, as amended recites mobile phone equipment, comprising a photographing unit for converting incident light into an electric signal and outputting as image data a plurality of original image data **captured during a continuous photographing function** by a single operation of a shutter button; a first image data storage unit for temporarily storing the plurality of original image data obtained with the continuous photographing function of said photographing unit; a display unit for displaying said original image data; and an image data playback unit **for operating while the continuous photographing function is set** by continuously and simultaneously displaying on said display unit the plurality of said original image data stored in said first image data storage unit until input from a user is received.

Thus claim 1 clearly recites image data captured during a continuous photographing function and operating while **the continuous photographing function is set** (requiring antecedent basis to “a continuous photographing function” during which the image data was captured) by displaying the plurality of original image data. Thus, it is clear from the claim that the continuous photographing function is a function upon which image data may be captured. Further, the claim clearly requires “an image data playback unit **for operating while the continuous photographing function is set** by continuously and simultaneously displaying on said display unit the plurality of said original image data stored in said first image data storage unit until input from a user is received.”

In the Advisory Action, the Examiner asserts that the claim does not have to be interpreted that the capture mode is set. However, since “the continuous photographing function” has antecedent basis back to “a continuous photographing function” during which the image data was captured, it is clear from the claim that the continuous photographing function is a function where images may be captured. As such, Applicants respectfully submit that the Examiner is not properly considering the clear recitation of the claim.

As previously noted on the record, the disclosure of Sogabe is directed to an electronic still camera having a continuous pickup mode and a display unit for displaying a frame image in a display manner specialized in the pickup mode in which the frame image is generated (Abstract).

Specifically, Sogabe discloses an electronic camera having a reproduction/image pickup mode selection switch 53 and a mode selection switch 54. Mode selection switch 54 cyclically changes between Reproduction Modes I and II if switch 54 is in the reproduction mode. Mode selection switch 54 cyclically changes between Continuous Pickup Mode, Shutter Change Mode and Single Pickup Mode when switch 54 is in the image pick up mode (see col. 4, lines 15-32).

Sogabe discloses in col. 6, lines 21-46 as follows:

FIG. 5 is a flowchart showing a first half of the processing of the camera 1 set in the **Reproduction Mode I**. Specifically, if the Reproduction Mode I is selected by the mode selection switch 54 after the camera 1 is set in the reproduction mode by the image pickup/reproduction switch 53, the control unit 7 outputs a control signal and causes the reading of the latest image data file stored in the storage medium 3. The read image data file is reproduced into an image data by the image processing unit 4 and an image corresponding to the tag information file in the image data file is sent to the display unit 6 (Step #100). Specifically, the display unit 6 displays the image in the normal display format shown in FIG. 2A if no continuous frame information is included in the image data file. **On the other hand, if the continuous frame information is included in the image data file, the display unit 6 displays images in the 1/4 or 1/9 multi-display format shown in FIG. 2B or 2D.** Here, a value representing the frame number of the image displayed in the display unit 6 is substituted for a reproduced frame number "m" used in the following processing.

Thereafter, it is discriminated whether the image pickup/reproduction switch 53 has been switched to set the image pickup mode (Step #105). If the discrimination result is in the affirmative, the processing of this flowchart ends. It should be noted that a flowchart of the image pickup mode is executed thereafter. (Emphasis added)

The disclosure above regarding Fig. 5 clearly recites the situation where the camera is in **a reproduction mode via switch 53**, not in an image pickup mode (or the continuous pickup mode). Sogabe discloses that the display of Fig. 2B or 2D may display a plurality of images that were captured during the continuous pickup mode. However, Sogabe clearly discloses that these displays are made during **the reproduction mode**.

As such, when considering a proper interpretation of Sogabe, Sogabe fails to teach or suggest an image data playback unit **for operating while the continuous photographing function is set by continuously and simultaneously displaying on said display unit the plurality of said original image data stored in said first image data storage unit until input from a user is received**. As Umeyama fails to cure the deficiencies of the teachings of Sogabe, Applicants maintain that claim 1 is patentable over the references as cited. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-5 and 8-10 are allowable for the reasons set forth above with regard to claim 1 at least based on their dependency on allowable claim 1. It is further respectfully submitted that claims 6 and 12 similarly recite the claim elements discussed

above with regard to claim 1, claims 6 and 12, together with claims dependent thereon, are patentable over the references as cited.

### Conclusion


In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin et Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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